



UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/696,708 Confirmation No.: 7822
Applicant : Mark T. KEATING et al.
Filed : 30 October 2003
TC/A.U. : 1636
Examiner : (to be assigned)

Attorney Docket No. : 2323-164
Customer No. : 6449

Director of the United States Patent
and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

COMMUNICATION CONCERNING SEQUENCE LISTING AND DISKETTE

Dear Sir:

A Notice to Comply (copy attached) was mailed 8 September 2004 for the above case. According to this Notice, the Computer Readable Form (CRF) of the Sequence Listing, the paper copy of the Sequence Listing and the statement that both are the same are missing. These materials were included with the original application documents that were submitted to and received by the U.S. Patent and Trademark Office (USPTO) on 30 October 2003 as evidenced by the attached copy of the Postcard Receipt. Consequently, it appears that the USPTO has lost these materials.

In response to the Notice to Comply, a copy of the originally filed Sequence Listing, a new diskette containing the CRF of the Sequence Listing and a copy of originally filed Statement Pursuant to 37 C.F.R. 1.821(f) are submitted herewith. Because Applicants are submitting a copy

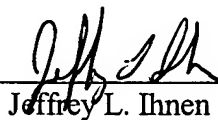
Application Serial No. 10/696,708
Communication dated 8 October 2004
Reply to Notice to Comply mailed 8 September 2004

of the Sequence Listing as originally filed and received by the USPTO, it is submitted that an amendment directing entry of the paper copy of the Sequence Listing is not necessary or required.

Respectfully submitted,

ROTHWELL, FIGG, ERNST & MANBECK, p.c.

By



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Attachments: Notice to Comply
Copy of Post Card Receipt
Copy of originally filed Sequence Listing
Copy of Statement Pursuant to 37 C.F.R. 1.821(f)

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PRELIMINARY AMENDMENT

Dear Sir:

Prior to the examination of the above-identified application and in response to Notice to Comply dated 8 September 2004, please amend it as follows.

Amendments to the Specification begin on page 2 of this paper.

Remarks begin on page 3 of this paper.